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24 VOLVO CAR USA, LLC

25 ¹ Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

26 ² Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

27 ³ Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

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VOLVO'S ANSWER TO COMPLAINT
FOR PATENT INFRINGEMENT

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ONSCREEN DYNAMICS, LLC,

Case No.: 2:22-cv-03170-MCS-SHK

Plaintiff,

VS.

VOLVO CAR USA, LLC,

Defendant.

ANSWER TO COMPLAINT FOR PATENT INFRINGEMENT

1 **DEFENDANT VOLVO CAR USA, LLC'S ANSWER TO COMPLAINT**

2 Defendant Volvo Car USA, LLC (“Volvo”) files its Answer to the
3 Complaint for Patent Infringement.

4 **NATURE OF THE ACTION⁵**

5 1. This is an action for patent infringement arising under the Patent Laws
6 of the United States, 35 U.S.C. § 1 et seq.

7 **ANSWER:** Volvo admits that the Complaint purports to state an action
8 arising under the patent laws of the United States. Volvo denies the legal sufficiency
9 of Plaintiff's claims against Volvo, denies that Plaintiff has any viable claim for
10 patent infringement against Volvo, and otherwise denies the allegations of Paragraph
11 1.

12 **THE PARTIES**

13 2. Plaintiff is a limited liability company organized under the laws of the
14 State of Delaware with a place of business at 717 N. Union Street, Wilmington, DE,
15 19805.

16 **ANSWER:** Volvo lacks knowledge or information sufficient to form a belief
17 about the truth of these allegations and therefore denies them.

18 3. Upon information and belief Volvo is a corporation organized and
19 existing under the laws of Delaware, with a principal place of business located at 1
20 Volvo Drive, Rockleigh, NJ 07647. Upon information and belief, Volvo sells and
21 offers to sell products and services throughout the United States, including in this
22 judicial district, and introduces products and services into the stream of commerce
23 and that incorporate infringing technology knowing that they would be sold in this
24 judicial district and elsewhere in the United States.

25
26

⁵ The headings in the Complaint for Patent Infringement are reproduced herein for
27 the convenience of the Court. To the extent such headings include or infer
allegations, they are denied.
28

ANSWER: Volvo admits it is a company organized under the laws of the State of Delaware. Volvo further admits that it offers its products and services throughout the United States, including this judicial district, but otherwise denies the allegations of Paragraph 3.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

ANSWER: Volvo admits that the Complaint purports to state an action arising under the patent laws of the United States. Volvo denies the legal sufficiency of Plaintiff's claims against Volvo, denies that Plaintiff has any viable claim for patent infringement against Volvo, and otherwise denies the allegations of Paragraph 4.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Volvo maintains an established place of business in the state of California and the Central District of California, specifically including Volvo-owned facilities at 700 Via Alondra, Camarillo, CA 93012 in this District.

ANSWER: For purposes of this litigation, Volvo does not contest venue in this District, but denies it has committed, or continues to commit, acts of infringement in this District and otherwise denies the remaining allegations of Paragraph 5.

6. This Court has personal jurisdiction over Defendant under the laws of California, due at least to its substantial business in California and in this judicial district, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in the State of California.

1 **ANSWER:** For purposes of this litigation, Volvo does not contest personal
2 jurisdiction, but denies it has committed, contributed to, or induced, acts of
3 infringement in this District and otherwise denies the remaining allegations of
4 Paragraph 6.

5 7. On information and belief, Defendant is subject to this Court's general
6 and specific personal jurisdiction because Defendant has sufficient minimum
7 contacts within the State of California and this District, pursuant to due process
8 and/or the because Defendant purposefully availed itself of the privileges of
9 conducting business in the State of California and in this District, because Defendant
10 regularly conducts and solicits business within the State of California and within this
11 District, and because Plaintiff's causes of action arise directly from each of
12 Defendant's business contacts and other activities in the State of California and this
13 District. Having purposefully availed itself the privilege of conducting business
14 within this District, Defendant should reasonably and fairly anticipate being brought
15 into court here.

16 **ANSWER:** For purposes of this litigation, Volvo does not contest general
17 and specific personal jurisdiction and admits that it has sufficient minimum contacts
18 within this District and conducts business in this District, but denies it has
19 committed, contributed to, or induced, acts of infringement in this District and
20 otherwise denies the remaining allegations of Paragraph 7.

21 8. Upon information and belief, Defendant has committed acts of
22 infringement within the state of California, as alleged herein

23 **ANSWER:** Denied.

24 9. For the above reasons, personal jurisdiction exists and venue is proper
25 in this Court for Defendant.

26 **ANSWER:** For purposes of this action, Volvo does not contest personal
27 jurisdiction and does not contest personal jurisdiction in this District.

1 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,395,917**

2 10. On July 19, 2016, U.S. Patent No. 9,395,917 (“the ’917 patent”),
3 entitled “Electronic Display with a Virtual Bezel,” was duly and legally issued by
4 the United States Patent and Trademark Office.

5 **ANSWER:** Volvo admits that, on its face, the ’917 Patent is titled “Electronic
6 Display with a Virtual Bezel,” and was issued by the United States Patent and
7 Trademark Office, but otherwise denies the remaining allegations of Paragraph 10.

8 11. Plaintiff is the assignee and owner of the right, title and interest in and
9 to the ’917 patent, including the right to assert all causes of action arising under said
10 patents and the right to any remedies for infringement of them.

11 **ANSWER:** Volvo admits that USPTO PAIR lists an assignment of the ’917
12 patent to the Plaintiff. Volvo lacks knowledge or information sufficient to form a
13 belief as to the truth of the remaining allegations of Paragraph 11 and, therefore,
14 denies the same.

15 12. The ’917 patent is valid and enforceable. A true and correct copy of
16 the ’917 patent is attached as Exhibit A.

17 **ANSWER:** Volvo admits that Exhibit A to the Complaint appears to be a
18 copy of the asserted ’917 patent, but denies the ’917 patent is valid and enforceable.

19 13. The ’917 patent includes 17 claims (’917 patent, Ex. A at 9:43-12:21.)

20 **ANSWER:** Volvo admits that the ’917 patent appears to include 17 claims.

21 14. The ’917 patent describes methods and devices that incorporate a
22 virtual bezel as part of the touchscreen display on an electronic device. (’917 patent,
23 Ex. A at 1:53-55). As the ’917 patent describes, “an electronic device is provided
24 comprising a touchscreen display with at least two components, a primary
25 touchscreen display area capable of processing a first set of touch-based inputs from
26 a user of the electric device, and a secondary touchscreen display area which can be
27 called a ‘virtual bezel’ since it may be used to prevent any unintended touch of a

1 user's hand with the touchscreen display, avoiding an unexpected interaction." ('917
2 patent, Ex. A at 2:6-15).

3 **ANSWER:** Admitted as to language quoted from the patent; denied as to any
4 deviation from the language of the patent, or any attempt to redefine or editorialize
5 regarding the meaning of the patent's language.
6

7 15. The inventions of the '917 patent resolve technical problems related to
8 how to prevent unintended registering of touching of a touchscreen electronic
9 display, and thereby avoid unintended actions. Those problems also included placing
10 components and controls, for example a camera, a speaker, or sensors to avoid
11 obstruction of the content on the touchscreen display. Those problems further
12 included increasing or maximizing display area while providing functionality of a
13 physical bezel. *See, e.g.*, '917 patent at 1:21-59.

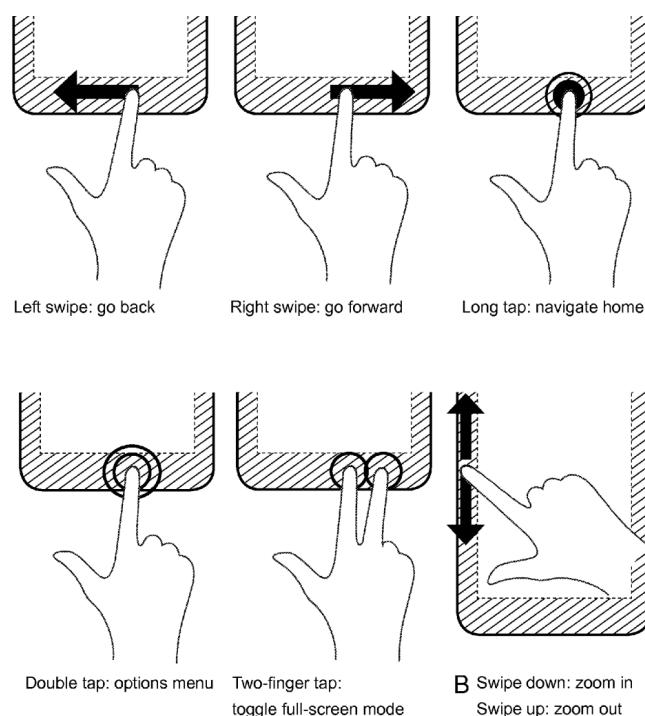


Figure 10

1 **ANSWER:** Admitted as to any language quoted and figure copied from the
2 patent; denied as to any deviation from the language of the patent, or any attempt to
3 redefine or editorialize regarding the meaning of the patent's language.

4 16. In order to improve maximum possible touchscreen display that could
5 be available to the user for viewing display content and for interaction the electronic
6 device, the '917 patent describes an electronic device with a touchscreen display
7 comprising an active touchscreen region and a virtual bezel area. Wherein the active
8 touchscreen region functions to process a first set of touch-based inputs from a user
9 of the electronic device according to a first mode of operation, and the virtual bezel
10 area function to process a second set of touch-based inputs from a user of the
11 electronic device according to a second mode of operation. ('917 patent, Ex. A at
12 Abstract.)

13 **ANSWER:** Admitted as to any language quoted from the patent; denied as to
14 any deviation from the language of the patent, or any attempt to redefine or
15 editorialize regarding the meaning of the patent's language.

16 17. Among the specific technological improvements to devices and
17 methods for electronic devices with a touchscreen display, the '917 patent describes
18 systems and methods that provide touchscreen display having a virtual bezel for
19 electronic devices. ('917 patent, Ex. A at 1:14-17).

20 **ANSWER:** Admitted as to any language quoted from the patent; denied as to
21 any deviation from the language of the patent, or any attempt to redefine or
22 editorialize regarding the meaning of the patent's language.

23 18. The claimed elements and claimed combinations of the '917 patent
24 describes devices, systems, and methods that provide a touchscreen display having
25 a virtual bezel for electronic devices that were not well-understood, routine, and
26 conventional to a skilled artisan in the relevant field.

27 **ANSWER:** Denied.
28

THE 9,645,663 PATENT

19. On May 9, 2017, U.S. Patent No. 9,645,663 (“the ’663 patent”), entitled “Electronic Display with a Virtual Bezel,” was duly and legally issued by the United States Patent and Trademark Office.

ANSWER: Volvo admits that, on its face, the '663 Patent is titled "Electronic Display with a Virtual Bezel," and was issued by the United States Patent and Trademark Office, but otherwise denies the remaining allegations of Paragraph 19.

20. Plaintiff is the assignee and owner of the right, title and interest in and to the '663 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

ANSWER: Volvo admits that USPTO PAIR lists an assignment of the '663 patent to the Plaintiff. Volvo lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 20 and, therefore, denies the same.

21. The '663 patent is valid and enforceable. A true correct copy of the '663 patent is attached hereto as Exhibit B.

ANSWER: Volvo admits that Exhibit B to the Complaint appears to be a copy of the asserted '663 patent, but denies the '663 patent is valid and enforceable.

22. The '663 patent includes 18 claims. ('633 patent, Ex. B. at 9:55-12:45.)

ANSWER: Volvo admits that the '663 patent appears to include 18 claims.

23. The '633 patent describes devices, systems, and methods for providing a touchscreen display having a virtual bezel for electronic devices. ('633 patent, Ex. B. at 1:15-20.) As the '633 patent describes the inventions of the '633 patent resolve technical problems related to how to prevent unintended registering of touching of a touchscreen electronic display, and thereby avoiding unintended actions. Those problems also included placing components and controls, for example a camera, a speaker, or sensors to avoid obstruction of the content of the touchscreen display.

1 Those problems further included increasing or maximizing display area while
2 providing functionality of a physical bezel. *See, e.g.*, '633 patent at 1:21-59.

3 **ANSWER:** Admitted as to any language quoted from the patent; denied as to
4 any deviation from the language of the patent, or any attempt to redefine or
5 editorialize regarding the meaning of the patent's language.

6 24. Among the specific technology improvements to devices utilizing the
7 vertical bezels, the '633 patent describes an active touchscreen region of the display
8 screen having a first set of touch-based inputs from the user of the electronic device
9 and a virtual bezel region along one or more edges of the display screen and adjacent
10 to the active screen region, the virtual bezel region having a touchscreen layer with
11 a second mode of response to a second set of touch-based inputs from the user of the
12 electronic device. ('633 patent, Ex. B at 9:55-10:15).

13 **ANSWER:** Admitted as to any language quoted from the patent; denied as to
14 any deviation from the language of the patent, or any attempt to redefine or
15 editorialize regarding the meaning of the patent's language.

16 25. The claimed elements and claimed combinations of the '633 patent
17 were not well-understood, routine, and conventional to a skilled artisan in the
18 relevant field.

19 **ANSWER:** Denied.

20 **ONSCREEN'S CLAIMS ARE PATENT ELIGIBLE**

21 26. The claims in both of the asserted patent are directed to patent eligible
22 subject matter.

23 **ANSWER:** Denied.

24 27. The asserted patents are directed to providing to a display screen having
25 a virtual bezel area and an active touchscreen region, both of which display portions
26 of content but have different modes of response to certain touch-based inputs.
27 Moreover, the prior art includes touch screen displays, yet the claims of the asserted

1 patents were deemed novel and non-obvious, demonstrating (among other reasons)
2 the non-conventionality of the technology described and claimed in the asserted
3 patents.

4 **ANSWER:** Denied.

5 28. The technological improvements described and claimed in the asserted
6 patents were not conventional or generic at the time of their invention, but rather
7 required novel and non-obvious solutions to problems and shortcomings in the art at
8 the time. *See, e.g.*, '917 patent at 1:21-9:41. *See also, e.g.*, '663 patent, Ex. B at 1:21-
9 9:41.

10 **ANSWER:** Denied.

11 29. The inventions claimed in the asserted patents cover more than just the
12 performance of well-understood, routine or conventional activities known in the art.
13 *See, e.g.*, '917 patent at 1:21-9:41. For example, claim 1 of the '917 patent is directed
14 to a display screen having a virtual bezel area and an active touchscreen region, both
15 of which display portions of content but have different modes of response to certain
16 touch-based inputs. *See also, e.g.*, '663 patent, Ex. B at 1:21-9:41.

17 **ANSWER:** Denied.

18 30. The asserted patent claims inventions that provide technological
19 solutions to technological problems. The written description of the asserted patents
20 describes in technical detail each of the elements of the claims, including a display
21 screen having a virtual bezel area and an active touchscreen region, both of which
22 display portions of content but have different modes of response to certain touch-
23 based inputs.

24 **ANSWER:** Denied.

25 31. Each of the claims of the asserted patents capture the improvements
26 described and illustrated in the specification. For example, claim 1 of the '917 patent
27 is directed to a display screen having a virtual bezel area and an active touchscreen

1 region, both of which display portions of content but have different modes of
2 response to certain touch-based inputs. For further example, claim 1 of the '663
3 patent is directed to a display screen having a virtual bezel region and an active
4 touchscreen region, both of which display portions of content but have different
5 modes of response to certain touch-based inputs.

6 **ANSWER:** Admitted as to any language quoted from the patent; denied as to
7 any deviation from the language of the patent, or any attempt to redefine or
8 editorialize regarding the meaning of the patent's language.

9 32. The written description describes the elements of the claims such that
10 persons of ordinary skill in the art understand what the claims cover and how the
11 non-conventional and nongeneric combination of claim elements differ markedly
12 from and improved upon the art. *See, e.g.*, '917 patent at 1:21-9:41. For example,
13 claim 1 of the '917 patent is directed to a display screen having a bezel area and an
14 active touchscreen region, both of which display portions of content but have
15 different modes of response to certain touch-based inputs. *See also, e.g.*, '663 patent
16 at 1:21-9:41.

17 **ANSWER:** Denied.

18 33. Technology leaders including Microsoft Technology Licensing LLC,
19 Amazon Technologies, Inc., Samsung Electronics Co., Ltd., and the USPTO have
20 cited the '917 patent as a reference over 20 times. See
21 <https://patents.google.com/patent/US9395917B2/en> (last accessed April 13, 2021);
22 37 CFR 1.104, Nature of Examination ("the examiner must cite the best references
23 at his or her command.").

24 **ANSWER:** Volvo lacks knowledge or information sufficient to form a belief
25 as to the truth of the remaining allegations of Paragraph 33 and, therefore, denies the
26 same.

27
28

1 34. Viewed in light of the specification of the asserted patents, the claims
2 are not directed to basic tools of scientific and technological work, nor are they
3 directed to a fundamental economic practice. *See, e.g.*, '917 patent at 1:21-12:21.
4 For example, claim 1 of the '917 patent is directed to a display screen having a virtual
5 bezel area and an active touchscreen region, both of which display portions of
6 content but have different modes of response to certain touch-based inputs. For
7 further example, claim 1 of the '663 patent is directed to a display screen having a
8 virtual bezel region and an active touchscreen region, both of which display portions
9 of content but have different modes of response to certain touch-based inputs. *See,*
10 *e.g.*, '663 patent at 1:21-12:44.

11 **ANSWER:** Denied.

12 35. The claims of the asserted patents are not directed to the use of an
13 abstract mathematical formula. *See, e.g.*, '917 patent at 1:21-12:21. For example,
14 claim 1 of the '917 patent is directed to a display screen having a virtual bezel area
15 and an active touchscreen region, both of which display portions of content but have
16 different modes of response to certain touch-based inputs. For further example,
17 claim 1 of the '663 patent is directed to a display screen having a virtual bezel region
18 and an active touchscreen region, both of which display portions of content but have
19 different modes of response to certain touch-based inputs. *See, e.g.*, '663 patent at
20 1:21-12:44.

21 **ANSWER:** Denied.

22 36. The claims of the asserted patents are not directed to the use of a
23 general-purpose computer. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim
24 1 of the '917 patent is directed to a display screen having a virtual bezel area and an
25 active touchscreen region, both of which display portions of content but have
26 different modes of response to certain touch-based inputs. For further example,
27 claim 1 of the '663 patent is directed to a display screen having a virtual bezel region

1 and an active touchscreen region, both of which display portions of content but have
2 different modes of response to certain touch-based inputs. *See, e.g.*, '663 patent at
3 1:21-12:44.

4 **ANSWER:** Denied.

5 37. The claims of the asserted patents are not directed to implementation of
6 a mathematical formula. *See, e.g.*, '917 patent at col. 1:21-12:21. For example, claim
7 1 of the '917 patent is directed to a display screen having a virtual bezel area and an
8 active touchscreen region, both of which display portions of content but have
9 different modes of response to certain touch-based inputs. For further example,
10 claim 1 of the '663 patent is directed to a display screen having a virtual bezel region
11 and an active touchscreen region, both of which display portions of content but have
12 different modes of response to certain touch-based inputs. *See, e.g.*, '663 patent at
13 1:21-12:44.

14 **ANSWER:** Denied.

15 38. The claims of the asserted patents are not directed to generalized steps
16 to be performed on a computer using conventional activity. *See, e.g.*, '917 patent at
17 1:21-12:21. For example, claim 1 of the '917 patent is directed to a display screen
18 having a virtual bezel area and an active touchscreen region, both of which display
19 portions of content but have different modes of response to certain touch-based
20 inputs. For further example, claim 1 of the '663 patent is directed to a display screen
21 having a virtual bezel region and an active touchscreen region, both of which display
22 portions of content but have different modes of response to certain touch-based
23 inputs. *See, e.g.*, '663 patent at 1:21-12:44.

24 **ANSWER:** Denied.

25 39. The claims of the asserted patents are not directed to a method of
26 organizing human activity or to a fundamental economic practice long prevalent in
27 our system of commerce. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim 1
28

1 of the '917 patent is directed to a display screen having a virtual bezel area and an
2 active touchscreen region, both of which display portions of content but have
3 different modes of response to certain touch-based inputs.

4 **ANSWER:** Denied.

5 40. The claims of the asserted patents do not take a well-known or
6 established business method or process and apply it to, or using, a general-purpose
7 computer. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim 1 of the '917
8 patent is directed to a display screen having a virtual bezel area and an active
9 touchscreen region, both of which display portions of content but have different
10 modes of response to certain touch-based inputs. For further example, claim 1 of
11 the '663 patent is directed to a display screen having a virtual bezel region and an
12 active touchscreen region, both of which display portions of content but have
13 different modes of response to certain touch-based inputs. *See, e.g.*, '663 patent at
14 1:21-12:44.

15 **ANSWER:** Denied.

16 41. The claims of the asserted patent do not preempt the field of their
17 inventions or preclude the use of other methods and systems because the claims
18 recite specific elements that include more than the performance of well-understood,
19 routine, and conventional activities previously known to the art. *See, e.g.*, '917 patent
20 at 1:21-12:21. For example, claim 1 of the '917 patent is directed to a display screen
21 having a virtual bezel area and an active touchscreen region, both of which display
22 portions of content but have different modes of response to certain touch-based
23 inputs. For further example, claim 1 of the '663 patent is directed to a display screen
24 having a virtual bezel region and an active touchscreen region, both of which display
25 portions of content but have different modes of response to certain touch-based
26 inputs. *See, e.g.*, '663 patent at 1:21-12:44.

27 **ANSWER:** Denied.

1 42. The technologies claimed in the asserted patents do not preempt all
2 ways of using location tracking system technology or sensor system technology, nor
3 preempt the use of any well-known location tracking technology or sensor system
4 technology, nor preempt any other well-known or prior art technology.

5 **ANSWER:** Denied.

6 43. The asserted patent claims are not directed to any “method of
7 organizing human activity,” “fundamental economic practice long prevalent in our
8 system of commerce,” nor “a building block of the modern economy.”

9 **ANSWER:** Denied.

10 44. The patents in suit do not take a well-known or established business
11 method or process and apply it to a general-purpose computer. Instead, the specific
12 systems and processes described in the asserted patents have no direct corollary to a
13 process that predates the advent of the Internet.

14 **ANSWER:** Denied.

15 45. The asserted patent claims in both patents in suit are directed toward
16 solutions rooted in computer technology and directed to technologies, unique to
17 computers and sensor technology systems, to overcome problems specifically
18 arising in the realm of computerized location tracking and sensor system
19 technologies.

20 **ANSWER:** Denied.

21 46. The asserted patent claims are not directed at a mere mathematical
22 relationship or formula.

23 **ANSWER:** Denied.

24 47. The asserted patent claims cannot be performed by a human, in the
25 human mind, or by pen and paper.

26 **ANSWER:** Denied.

1 48. Accordingly, each claim of the patents in suit recites a combination of
2 elements sufficient to ensure that each claim in practice, amounts to significantly
3 more than a claim to an ineligible concept.

4 **ANSWER:** Denied.

5 **ONSCREEN'S PATENT LITIGATION HISTORY**

6 49. The '917 and/or '663 patents were previously subject to federal court
7 litigation in Onscreen Dynamics, LLC v. Pioneer POS Solutions, Inc. CDCA-2-21-
8 cv-03181 (terminated in December 20, 2021); Onscreen Dynamics, LLC v. Volvo
9 Car USA, LLC, CDCA-2-21-cv-06739 (terminated in November 24, 2021);
10 Onscreen Dynamics, LLC v., BMW of North America, LLC, CDCA-2-21-cv-06796
11 (terminated in November 15, 2021); Onscreen Dynamics LLC v. Tesla, Inv. f/k/a
12 Tesla Motors, Inc., CDCA-2-21-cv-06797 (terminated November 12, 2021);
13 Onscreen Dynamics LLC v. Partner Tech USA, Inc., CDCA-8-21-cv-00686
14 (terminated August 5, 2021); Onscreen Dynamics LLC v. LG Electronics, Inc. et al,
15 EDTX-4-18-cv-00267 (terminated in November 20, 2018); Onscreen Dynamics
16 LLC v. Samsung Electronics Co., Ltd. et al, EDTX-4-18-cv-00268 (terminated on
17 November 19, 2018); Onscreen Dynamics LLC v. ASUSTek Computer Inc. et al,
18 NDCA-4-20-cv (terminated on January 22, 2021); Onscreen Dynamics LLC v.
19 Sharp Corporation et al, NDCA-4-20-cv-05555 (terminated on March 23, 2021);
20 Onscreen Dynamics LLC v. Elo Touch Solutions, Inc. NDCA-4-20-cv-06322
21 (terminated on December 7. 2020); Onscreen Dynamics LLC v. EMBROSS North
22 America, Ltd., WDTX-6-20-cv-00874 (terminated on December 28, 2020);
23 Onscreen Dynamics LLC v. Getac Technology Corporation, WDTX-6-20-cv00875
24 (terminated on April 14, 2022); Onscreen Dynamics LLC v. Avis Budget Group,
25 Inc., WDTX-6-22-cv-00222; and Onscreen Dynamics LLC v. Hertz Vehicles, LLC,
26 WDTX-6-33-cv-00231.

1 **ANSWER:** Volvo admits that the listed cases seem to include assertions of
2 the '917 and/or '663 patents. Volvo lacks sufficient information and belief with
3 which to admit or deny the remaining allegations set forth in Paragraph 49 of the
4 Complaint, and on that basis denies them.

5 **PRE-SUIT COMMUNICATIONS BETWEEN THE PARTIES**

6 50. On August 19, 2021 Onscreen Dynamics, LLC filed a complaint
7 against Volvo Car USA, LLC. Volvo has actual knowledge of Plaintiff's patent
8 rights, Volvo Car USA, LLC has continued to commit acts of infringement and have
9 failed to cease their infringing activities.

10 **ANSWER:** Volvo admits that Onscreen Dynamics, LLC filed a complaint
11 against Volvo on August 19, 2021 in which Onscreen Dynamics asserted patents
12 that were unenforceable for failure to pay maintenance fees. Volvo denies the
13 remaining allegations of Paragraph 50.

14 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,395,917**

15 51. The allegations set forth in the foregoing paragraphs 1 through 50 are
16 incorporated into this Second Claim for Relief.

17 **ANSWER:** Volvo repeats and realleges its responses to Paragraphs 1 through
18 50, inclusive, of the Complaint.

19 52. Upon information and belief, Defendant has and continues to directly
20 infringe at least claims 1-3 of the '917 patent under 35 U.S.C. § 271(a) by making,
21 using, selling, importing and/or providing and causing to be used vehicles with
22 electronic devices having touchscreen capabilities, including the use of a virtual
23 bezel (the "Accused Instrumentalities"), as set forth in detail in the attached
24 preliminary and exemplary claim charts provided in Exhibit C.

25 **ANSWER:** Denied.

26 53. The Accused Instrumentalities identified in Exhibit C are examples that
27 were identified based on publicly available information. Plaintiff reserves its right

1 to identify additional infringing activities, products, and services, including, for
2 example, on the basis of information obtained during discovery as Defendant
3 introduces new infringing devices through the end of trial.

4 **ANSWER:** Volvo admits at least some of the information cited in Exhibit C
5 is based on publically available information.

6 54. The Accused Instrumentalities include a display screen having a virtual
7 bezel suitable for use as part of an electronic device where the display screen
8 includes: (a) a virtual bezel area, having a touchscreen layer with a first mode of
9 response to a first set of touch-based inputs from a user of the display screen, the
10 virtual bezel area functioning to display a first portion of content on the display
11 screen; (b) an active touchscreen region substantially disposed within the virtual
12 bezel area, the active touchscreen region having a touchscreen layer with a second
13 mode of response to the first set of touch-based inputs from the user of the display
14 screen, the active touchscreen region functioning to display a second portion of the
15 content on the display screen; and (c) a gestural software application in
16 communication with the display screen having a virtual bezel, the gestural software
17 application functioning to produce the first mode of response in the virtual bezel
18 area, wherein the first mode of response is configured to selectively interpret touch-
19 based inputs as intentional user input intended to affect the display of the second
20 portion of the content on the active touchscreen region. *See* attached claim chart for
21 the '917 patent, Exhibit C.

22 **ANSWER:** Denied.

23 55. On information and belief, these Accused Instrumentalities are used
24 marketed, provided to, and/or used by or for each of Defendant's partners, clients,
25 customers, and end users across the country and in this District.

26 **ANSWER:** Volvo admits that it sells vehicles which may incorporate the
27 Accused Instrumentalities, but denies the remaining allegations of Paragraph 55.

1 56. Upon information and belief, since Volvo had knowledge of the '917
2 patent, Volvo has induced and continues to induce others to infringe at least claims
3 1-3 of the '917 patent under 35 U.S.C. § 271(b) by, among other things, and with
4 specific intent or willful blindness, actively aiding and abetting others to infringe,
5 including but not limited to Volvo's partners and customers, whose use of the
6 Accused Instrumentalities constitutes direct infringement of at least claims 1-3 of
7 the '917 patent.

8 **ANSWER:** Denied.

9 57. In particular, Volvo's actions that aid and abet others such as their
10 partners and customers to infringe include distributing the Accused Instrumentalities
11 and providing materials and/or services related to the Accused Instrumentalities. On
12 information and belief, Volvo has engaged in such actions with specific intent to
13 cause infringement or with willful blindness to the resulting infringement because
14 the Volvo has had actual knowledge of the '917 patent and that its acts were inducing
15 infringement of the '917 patent since Volvo has had knowledge of the '917 patent.

16 **ANSWER:** Denied.

17 58. Upon information and belief, since Volvo had knowledge of the '917
18 patent, Defendant is liable as a contributory infringer of the '917 patent under 35
19 U.S.C. § 1(c) by offering to sell, selling and importing into the United States
20 electronic device with the display screen technology including the Accused
21 Instrumentalities especially made or adapted for use in an infringement of the '917
22 patent. The Accused Instrumentalities are material components for use in practicing
23 the '917 patent and are specifically made and are not a staple article of commerce
24 suitable for substantial non-infringing use.

25 **ANSWER:** Denied.

26 59. On information and belief, since Volvo had knowledge of the '917
27 patent, Volvo's infringement has been and continues to be willful.

1 **ANSWER:** Denied.

2 60. Plaintiff has been harmed by Defendant's infringing activities
3 regarding the '917 patent.

4 **ANSWER:** Denied.

5 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,645,663**

6 61. The allegations set forth in the foregoing paragraphs 1 through 60 are
7 incorporated into this Second Claim for Relief.

8 **ANSWER:** Volvo repeats and realleges its responses to Paragraphs 1 through
9 61, inclusive, of the Complaint.

10 62. Upon information and belief, Defendant has and continues to directly
11 infringe at least claims 1-2 of the '663 patent under 35 U.S.C. § 271(a) by making,
12 using, selling, importing and/or providing and causing to be used vehicles with
13 electronic devices having touchscreen capabilities, including the use of a virtual
14 bezel (the "Accused Instrumentalities"), as set forth in detail in the attached
15 preliminary and exemplary claim charts provided in Exhibit D.

16 **ANSWER:** Denied.

17 63. The Accused Instrumentalities identified in Exhibit D are examples that
18 were identified based on publicly available information. Plaintiff reserves its right
19 to identify additional infringing activities, products, and services, including, for
20 example, on the basis of information obtained during discovery and as Defendant
21 introduces new infringing devices through the end of trial.

22 **ANSWER:** Volvo admits at least some of the information cited in Exhibit D
23 is based on publicly available information.

24 64. The Accused Instrumentalities include electronic devices having a
25 display system, the display system including: (a) an active touchscreen region having
26 a touchscreen layer with a first mode of response to touch-based inputs from a user
27 of the electronic device, the active touchscreen region configured to display a first

1 portion of the content on the virtual bezel display screen; (b) a virtual bezel region
2 along one or more edges of the display screen and adjacent to the active touchscreen
3 region, the virtual bezel region having a touchscreen layer with a second mode of
4 response to touch-based inputs from a user of the electronic device, the virtual bezel
5 region configured to display a second portion of content on the display screen; and
6 (c) non-transitory memory storing a gestural software application in communication
7 with the display screen; wherein the second mode of response is configured to
8 selectively interpret touch-based inputs as intentional user input intended to affect
9 the display of the first portion of the content on the active touchscreen region of the
10 display screen. See attached claim chart for the '663 patent, Exhibit D.

11 **ANSWER:** Denied.

12 65. On information and belief, these Accused Instrumentalities are used
13 marketed, provided to, and/or used by or for each of Defendant's partners, clients,
14 customers, and end users across the country and in this District.

15 **ANSWER:** Volvo admits that it sells vehicles which may incorporate the
16 Accused Instrumentalities, but denies the remaining allegations of Paragraph 65.

17 66. Upon information and belief, since Volvo had knowledge of the '663
18 patent, Volvo has induced and continues to induce others to infringe at least claims
19 1-2 of the '663 patent under 35 U.S.C. § 271(b) by, among other things, and with
20 specific intent or willful blindness, actively aiding and abetting others to infringe,
21 including but not limited to Volvo's partners and customers, whose use of the
22 Accused Instrumentalities constitutes direct infringement of at least claims 1-2 of
23 the '663 patent.

24 **ANSWER:** Denied.

25 67. In particular, Volvo's actions that aid and abet others such as their
26 partners and customers to infringe include distributing the Accused Instrumentalities
27 and providing materials and/or services related to the Accused Instrumentalities. On

1 information and belief, Volvo has engaged in such actions with specific intent to
2 cause infringement or with willful blindness to the resulting infringement because
3 the Volvo has had actual knowledge of the '663 patent and that its act were inducing
4 infringement of the '663 patent since Volvo has had actual knowledge of the '663
5 patent.

6 **ANSWER:** Denied.

7 68. Upon information and belief, since Volvo had knowledge of the '663
8 patent, Defendant is liable as a contributing infringer of the '663 patent under 35
9 U.S.C. § 271(c) by offering to sell, selling and importing into the United States
10 electronic device with the display screen technology including the Accused
11 especially made or adapted for use in an infringement of the '663 patent. The
12 Accused Instrumentalities are material components for use in practicing the '663
13 patent and are specifically made and are not a staple article of commerce suitable for
14 substantial non-infringing use.

15 **ANSWER:** Denied.

16 69. On information and belief, since Volvo had knowledge of the '663
17 patent, Volvo's infringement has been and continues to be willful.

18 **ANSWER:** Denied.

19 70. Plaintiff has been harmed by Defendant's infringing activities
20 regarding the '663 patent.

21 **ANSWER:** Denied.

22 **JURY DEMAND**

23 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff
24 demands a trial by jury on all issues triable as such.

25 **ANSWER:** Plaintiff's jury demand requires no response. To the extent a
26 response is required, Volvo requests a jury trial of all issues in this action so triable.

27 **PRAYER FOR RELIEF**

The Complaint for Patent Infringement recites a Prayer for Relief for which no response is required. To the extent an answer is required, Volvo denies that Plaintiff is entitled to any remedy or relief.

GENERAL DENIAL

Volvo denies that Plaintiff is entitled to any remedy or relief.

DEFENSES AND AFFIRMATIVE DEFENSES

Further answering the Complaint, Volvo alleges the following Defenses and Affirmative Defenses. Volvo reserves the right to amend its Answer and add additional Defenses and Affirmative Defenses.

FIRST DEFENSE (Non-Infringement)

Volvo does not infringe and has not infringed any valid and enforceable claim of the '917 or '663 patents, either literally or under the doctrine of equivalents, by direct, contributory, or induced infringement, willfully or otherwise.

SECOND DEFENSE (Invalidity)

The claims of the '917 or '663 patents are invalid for failure to satisfy one or more of the conditions and requirements for patentability set forth in 35 U.S.C. §§ 101 et seq., including, but not limited to, 35 U.S.C. §§ 101, 102, 103, 112, 116, 135, 256, 282, and/or 287, or under the judicially created doctrines of invalidity or unenforceability.

THIRD DEFENSE (No Willful Infringement)

Volvo has not and does not willfully infringe any valid and enforceable claim of the '917 or '663 patents.

FOURTH DEFENSE (No Damages)

Plaintiff is not entitled to any damages for the purported infringement of the claims of the '917 or '663 patents pursuant to 35 U.S.C. §§ 284 and 287, including, but not limited to, any interest or treble damages.

FIFTH DEFENSE (No Exceptional Case)

Volvo's actions in defending this case do not give rise to an exceptional case in Plaintiff's favor under 35 U.S.C. § 285.

SIXTH DEFENSE **(Doctrine of Equivalents and Prosecution History Estoppel)**

Plaintiff's claims are barred under the doctrine of prosecution history estoppel from asserting any scope of the '917 or '663 Patents that would cover the accused products because of statements and amendments made during prosecution of the application that led to the '917 or '663 Patents.

SEVENTH DEFENSE (Relief Not In The Public Interest)

The relief sought by Plaintiff does not and would not further public interest, and there are strong public reasons for denying Plaintiff the relief sought.

EIGHTH DEFENSE

(Limitations on Damages per 35 U.S.C. § 287)

Any claim for damages for patent infringement is limited by 35 U.S.C. § 287 to only those damages occurring after Plaintiff's notice of infringement.

NINTH DEFENSE

(Reservation of Additional Affirmative Defenses)

Volvo presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional, yet unstated, affirmative defenses.

1 As such, Volvo reserves the right to assert additional affirmative defenses in the
2 event discovery indicates that additional affirmative defenses are appropriate.

3 **EXCEPTIONAL CASE**

4 Plaintiff has, in bad faith, knowingly undertaken to enforce the '917 or '663
5 patents against Volvo while knowing that the '917 or '663 patents are either
6 unenforceable, invalid, or not infringed. Based upon the foregoing conduct of
7 Plaintiff, this is an exceptional case under 35 U.S.C. § 285. As a result of Plaintiff's
8 conduct, as alleged above, Volvo is entitled to recover attorney's fees.

9 **DEMAND FOR JURY TRIAL**

10 Volvo requests a jury trial on all issues triable by jury.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Volvo requests the following relief:

- 13 a) That all claims against Volvo be dismissed with prejudice and that all relief
14 requested by Plaintiff be denied;
- 15 b) That a judgment be entered declaring that Volvo has not infringed and does
16 not infringe, either directly or indirectly, any valid and enforceable claim
17 of the '917 and '663 patents, either literally or under the doctrine of
18 equivalents;
- 19 c) That a judgment be entered declaring that the claims of the '917 and '663
20 patents are invalid and/or unenforceable for failure to comply with the
21 statutory provisions of Title 35 of the United States Code, including
22 without limitation, one or more of sections 101, 102, 103, 111, 112, 116,
23 135, 256, 282, and 287, or other judicially-created bases for invalidation
24 and unenforceability; and
- 25 d) That a judgment be entered that this case is exceptional under 35 U.S.C. §
26 285, and accordingly that Volvo is entitled to recover reasonable attorneys'
27
28

1 fees and costs upon prevailing in this action; and that Volvo be awarded
2 such other relief that the Court deems just and equitable, or which the Court
3 deems necessary and proper.

4 DATED: June 3, 2022

Respectfully submitted,

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23 ⁶ Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

24 ⁷ Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

25 ⁸ Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

26 ⁹ Prior case between same parties regarding same patents: *Onscreen Dynamics, LLC v. Volvo Car USA, LLC* C.D.Cal. 2:21-cv-06739-CJC-DFM

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